IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMM. FOR JUDGMENT NO.645 OF 2003

IN

SUMM.SUIT NO.456 OF 2001

Ms Manorama @ Mena Kantawala .. Plaintiff

versus

Mrs Geeta Wd/o Mahesh N.Kantawala & ors..Defendants

Ms Neela Dholakia for Plaintiff

Mr Prasad Rao for Defendants

CORAM : D.G. KARNIK, J

DATED : 19th April 2005.

P.C:-

1. Heard learned counsel for the parties. Suit is filed for recovery of money due on a promissory note. The original issuer of the promissory note has died. His heirs have denied the signature of the deceased on the promissory note. Hence, the plaintiff would be required to prove the signature of the deceased on the promissory note at trial.

2. Furthermore, the extent of the liability of the defendants as heirs of the deceased would be required to be addressed to at the trial. Triable issues arise in this matter. The defendants are granted unconditional leave to defend the suit. Suit shall stand transferred to the list of commercial causes. The defendants to file the written statement within four weeks.

D.G.KARNIK, J